



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
DENVER, CO 80202-1129  
Phone 800-227-8917  
<http://www.epa.gov/region08>

Ref: 8EPR-SA

Date: October 22, 2009

**ACTION MEMORANDUM**

**SUBJECT:** Documentation of Approval for a Removal Action Resulting from a Classic Emergency Response to the Highway 89 Storage Units Site, Box Elder and Weber Counties, UT

**TO:** Site File

**FROM:** Tien Nguyen, On-Scene Coordinator  
Emergency Response Unit  
8PAER-EPR-ER

**THROUGH:** Curtis Kimbel, Supervisor  
Emergency Response Unit

David Ostrander, Director  
Preparedness, Assessment & Emergency Response Program

**ABSTRACT**

Site #:	08-SK	Response Authority:	CERCLA
NPL Status:	Non-NPL	Response Type:	Classic Emergency
Incident Category:	Fund-lead	Contam's of Concern:	Explosives, Organics, and Strong Reactive Materials in commercial and residential areas
Action Memo:	October 22, 2009	Start Date:	October 09, 2009
Removal Mob:	October 09, 2009	Removal Compl. Date:	TBD

**I. PURPOSE**

The purpose of this Action Memorandum is to document the Removal Action described herein for the U. S. Highway 89 Storage Units Site (the 'Site') in Box Elder County and Weber County, UT. The Site consists of the Potentially Responsible Party's ('PRP') residence and of

## Hwy 89 Storage Units – ACTION MEMORANDUM

Page 2 of 7

seven (7) individual storage units at two Highway 89 storage locations. The addresses are:

- 1620 9<sup>th</sup> Street, Ogden, UT 84401 (PRP residence)
- Double D Storage, 2100 South Hwy 89, Perry UT 84302
- EZ Access Storage, 8823 Hwy 89, Willard, UT 84340

This memorandum addresses the decision to initiate emergency response actions described herein at the above-discussed locations pursuant to the On-Scene Coordinator's ('OSC') delegated authority under CERCLA Section 104.

This Removal addresses the potential for catastrophic release of pollutants and/or contaminants within a residential community or at commercial establishments. This Removal is anticipated to require less than 12 months and \$2 million to complete.

Based on the nature of the Site conditions and response, there are no nationally-significant or precedent-setting issues associated with this Removal. This Removal will not establish any precedent for how future response actions are to be taken and will not commit the United States Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future resources.

## II. SITE CONDITIONS AND BACKGROUND

This Classic Emergency Removal was initiated on October 09, 2009, after EPA/8 received notification from the Box Elder County, UT, Sheriff's Office that numerous drums and containers of old chemicals, ostensibly used to make rocket propellants, had been found in storage units at storage locations in Perry and South Willard, UT. The Sheriff's Office reported the PRP was a retired employee of Thiokol, and that he may have obtained the various chemicals from that location during the course of his employment. The OSC dispatched to the Site with START contractor support to assist the County with Site Assessment and stabilization actions.

### A. SITE DESCRIPTION

#### 1. Removal Site evaluation

On October 08, 2009, the Box Elder County, UT, Criminal Investigation Division (CID) executed a search warrant at the US Highway 89 facilities. Initially, the Highway 89 Storage Units Site consisted of two locations (the addresses listed in Section I above). Subsequently, on October 15, 2009, the PRP's residence was added as a third Site sub-location to be assessed for potentially hazardous conditions.

When the CID investigators encountered large quantities of unknown, potentially hazardous and/or reactive chemicals at the Hwy 89 facilities, they

requested EPA/8 assistance with substance characterization/identification and/or Site stabilization. Following OSC arrival, the Sheriff's detective escorted the EPA/8 team to the various Site sub-locations for initial evaluation. The OSC observed that all the storage units contained haphazardly stacked drums, containers and bags of chemicals. Additionally, 'related items' such as equipment, merchandise, furniture and trash/junk were scattered throughout the piled chemicals. Some of the individual storage units had strong odors of chemical vapors.

On October 14, the Sheriff's office notified the OSC of additional chemicals found at the PRP's home. During a subsequent, escorted visit to the PRP's home, the OSC identified numerous, inappropriately stored and/or deteriorating containers of chemicals and associated equipment similar to those found in the storage units.

Chemicals found in the storage units and at the PRP's residence, including caustic, reactive, and volatile elements and compounds, many in unsecure or deteriorating containers, constitute a significant threat of fire and/or explosion.

The PRP, currently in his 80s, was recently admitted to a Hospice facility. Reportedly, during the period of his Thiokol employment, he collected and 'brought home stuff', possibly intending to perform 'home experimentation' for new solid rocket materials. Accordingly, over the years, his collection included propellant materials (binders, oxidizers, and reactive materials) as well as flammable or combustible liquids and solids. Upon OSC inspection, large quantities of various chemicals housed in the storage units and at the PRP's residence appeared to be improperly stored and showing evidence of being in storage for a lengthy period of time.

**2. Release or threatened release into the environment of a hazardous substance, pollutant or contaminant.**

Numerous containers of chemicals and explosive materials were found improperly stored at the two Hwy 89 Storage Unit locations and at the PRP's residence. Some containers have deteriorated to the extent that chemical contents could be released, with a high potential for resulting fire and/or explosion. The Storage Unit locations, surrounded by adjacent residences and other commercial facilities, are unsecured from determined, unauthorized access. The PRP's home is located in the midst of a residential community, within ½ mile of an elementary school. Material stored at the residence is unsecured from possible fire and/or explosion, and exists without sufficient protection against a dedicated intruder.

**III. Threats to Public Health Welfare or the Environment**

**A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.**

By October 10, more than 200 drums and containers had been inventoried and categorized at the storage units in Perry. Identified materials included toxics, flammable liquids, reactive metals (magnesium and aluminum powders), explosives, and oxidizers. In addition, one drum was half full of solid, high-energy, slow-burning rocket propellant and black powder. (At the OSC's suggestion, this drum was immediately removed by the Box Elder County Bomb Squad to a nearby field and detonated.)

By October 21, EPA START and the City of Ogden Haz-Mat teams completed the inventory list for chemical containers found at the PRP residence. More than 600 items of dangerous materials in various container sizes were found, removed and characterized (See Attachment, HWY89-20091020hazard-containers). Many of them are explosive materials, oxidizers, flammable or combustibles and toxics. From Oct. 17 to Oct. 21, the Davis County Bomb Squad picked up three loads of explosive materials, approximately 300 pounds of home-made solid rocket fuel and numerous rocket motors and other explosive for detonation. Chemicals found at the residence, if ignited, resultant products of combustion could have a severe, detrimental affect on local response forces, surrounding populations, and the environment. Moreover, a fire or explosion occurring at the PRP's home, in a residential community, could immediately expose a significant, surrounding population to an uncontrolled toxic release.

**B. Applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:**

- Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].
- Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].
- Threat of fire or explosion [300.415(b)(2)(vi)].
- The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].
- Other situations or factors that may pose threats to the public health or welfare of the United States or the environment [300.415(b)(2)(viii)].

**IV. Endangerment Determination under CERCLA Section 104: Pollutant or Contaminants**

Actual or threatened releases of pollutants and contaminants from this Site, if not addressed by implementing the response action selected in this ACTION MEMORANDUM, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

**V. Selected Removal Action and Estimated Costs**

**A. Situation and Removal Activities to Date**

- The Site has been secured from unauthorized intrusion by fencing and 24/7 security patrols.
- Site activities are being conducted pursuant to overall management by the Box Elder County Sheriff's Office, pursuant to a Search Warrant executed by that office.
- To date, four 'batches' of explosive compounds have been removed from the Site by the Bomb Squad for detonation in a nearby field.
- EPA/8 START and Local Haz-Mat teams continue haz-catting, classifying, and segregating Site materials at storage units in anticipation of off-site disposal.

**B. Enforcement**

At this time, independent EPA search for PRPs has been subordinated to that of the Box Elder County CID. Accordingly, the OSC has deferred contact with Thiokol representatives until such time as a more-complete Site inventory is available (perhaps within a week). Additional, future PRP search(s) will be coordinated with local and state authorities.

**C. Planned Removal Actions**

**1. Proposed action description**

The OSC, with START, ERRS, and County Haz-Mat teams will continue inventorying, categorizing, and segregating chemicals and related items found at the PRP's residence and at the Highway 89 storage locations. Items are to be secured and staged for subsequent disposition. Activities will continue until completed - an indefinite period, lasting for approximately two weeks.

ERRS is preparing for over-packing, staging and securing chemicals found at the PRP's residence and initiating a process for final disposal.

2. Next steps

- Complete inventorying chemicals and associated items found at the PRP's residence and at the Highway 89 storage locations.
- As necessary, assist County Bomb Squad with removal and disposal of explosive compounds encountered during inventorying activities.
- Initiate contact with Thiokol re: disposition of identified chemicals.
- Prepare transportation and disposal plan(s)
- Package, as necessary, and stage for disposal the inventoried chemicals.
- Dispose of chemicals.

3. Contribution to remedial performance

These proposed actions will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the Site.

4. Applicable, Relevant, and Appropriate Requirements (ARARs)

Given the nature of this Classic Emergency response, all Federal and state ARARs were not identified at the time the response was initiated. Throughout the period of this Removal, the OSC has and will continue to work closely with appropriate state and local representatives to insure their applicable concerns and requirements are addressed.

5. Project Schedule

Stabilizing, inventorying, and staging the chemicals at the three identified locations are expected to continue for approximately three weeks. Disposal alternatives will be considered as the inventory list nears completion.

**D. Estimated Costs\***

Contractor costs (ERRS/START staff, travel, equipment)	<b>\$200,000</b>
Other Extramural Costs (Strike Team, other Fed Agencies)	
Contingency costs (20% of subtotal)	<b>\$ 50,000</b>
<b>Total Removal Project Ceiling</b>	<b>\$ 250,000.</b>

\*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA. "

**VI. Expected Change in the Situation Should Action Be Delayed or Not Taken**

A delay in action or no action at this Site would increase the actual or potential threats to the public health and/or the environment.

**VII. Outstanding Policy Issues**

None

**VIII. Approvals**

This decision document represents the selected Removal action for this Site, developed in accordance with CERCLA as amended, and not inconsistent with the National Contingency Plan. This decision is based on the Administrative Record for the Site.

Conditions at the site meet the NCP section 300.415(b) criteria for a Removal action and, through this document; I am approving this proposed Removal action. The total project ceiling is \$250,000.00, to be funded from the Regional Removal allowance.

\_\_\_\_\_  
-S-  
Tien Nguyen  
Federal On-Scene Coordinator, EPA/8

\_\_\_\_\_  
10/22/09  
Date

Attachment 1: Inventory of Chemical List Found at the Residence (preliminary, as of 10/21/09)